

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

2019 SEP -5 PM 2:24

DEPUTY CLERK PJ
CTJ

American Airlines, Inc.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 4:19-CV-00414-A
)	
Transport Workers Union of)	
America, AFL-CIO, International)	
Association of Machinists and)	
Aerospace Workers, and Airline)	
Mechanic and Related Employee)	
Association TWU/IAM,)	
)	
Defendants.)	

DEFENDANTS' UPDATE TO THE COMPLIANCE DECLARATIONS AND EXHIBITS
FILED ON AUGUST 30, 2019 AS ECF NO. 149

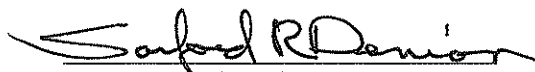
Pursuant to this Court's August 12, 2019 Final Judgment Containing Permanent Injunction (ECF No. 132) Defendants Transport Workers Union of America, AFL-CIO ("TWU"), International Association of Machinists and Aerospace Workers ("IAM"), and Airline Mechanic and Related Employee Association TWU/IAM ("Association") (collectively, "Defendants") respectfully file the following sworn declarations of Timothy Klima and Gary Peterson updating the Court on the further steps taken toward compliance with the Permanent Injunction subsequent to the August 29 and 30, 2019 declarations filed as ECF document number 149.

- | <u>Tab</u> | <u>DESCRIPTION</u> |
|------------|-------------------------------------|
| A. | <u>DECLARATION OF TIMOTHY KLIMA</u> |
| B. | <u>DECLARATION OF GARY PETERSON</u> |

Ex. 1 Sign-In sheets from in-person meetings with RON
(overnight) shift mechanics

Dated: September 5, 2019

Respectfully Submitted,



SANFORD R. DENISON
(Tex. Bar No. 05655560)
Baab & Denison, LLP
6301 Gaston Ave., Suite 550
Dallas, TX 75214
Tel.: (214) 637-0750
Fax.: (214) 637-0730
Email: denison@baabdenison.com

Attorneys for Defendants

MARK RICHARD (*pro hac vice*)
(Florida Bar No. 305979)
OSNAT K. RIND (*pro hac vice*)
(Florida Bar No. 958698)
CHRISTINA S. GORNAIL (*pro hac vice*)
(Florida Bar No. 085922)
LUCIA PIVA (*pro hac vice*)
(Florida Bar No. 305979)
Phillips, Richard & Rind, P.A.
9360 SW 72nd Street, Suite 283
Miami, FL 33173
Tel.: (305) 412-8322
Fax.: (305) 412-8299
Email: mrichard@phillipsrichard.com
Email: orind@phillipsrichard.com
Email: cgornail@phillipsrichard.com
Email: lpiva@phillipsrichard.com

*Attorneys for Defendants Transport Workers
Union of America, ALF-CIO and Airline
Mechanic and Related Employee Association
TWU/IAM*

JEFFREY A. BARTOS (*pro hac vice*)
(D.C. Bar No. 435832)
ANTONIA BIRD (*pro hac vice*)
(Maryland Bar No. 1712130046)
Guerrieri, Bartos & Roma, P.C.
1900 M Street, N.W., Suite 700
Washington, DC 20036
Tel.: (202) 624-7400
Fax.: (202) 624-7420
Email: jbartos@geclaw.com
Email: abird@geclaw.com

*Attorneys for Defendants International
Association of Machinists & Aerospace
Workers and Airline Mechanic and Related
Employee Association TWU/IAM*

CERTIFICATE OF SERVICE

I certify that on this 5th day of September, 2019 a true and correct copy of the foregoing document was served on counsel for all parties of record by a means permitted by Rule 5(b)(2) of the Federal Rules of Civil Procedure ("F.R.C.P.").


SANFORD R. DENISON

TAB A.
DECLARATION OF
TIMOTHY KLIMA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

American Airlines, Inc.,

Plaintiff,

v.

Transport Workers Union of
America, AFL-CIO, International
Association of Machinists and
Aerospace Workers, and Airline
Mechanic and Related Employee
Association TWU/IAM,

Defendants.

Civil Action No. 4:19-CV-00414-A

DECLARATION OF TIMOTHY KLIMA

Timothy Klima hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I submit this Declaration pursuant to the Court's August 12, 2019 Final Judgment Containing Permanent Injunction (ECF No. 132) to update the Court on steps taken by IAM and the Association toward compliance with the requirements of the Final Judgment since August 29, 2019, the date my last declaration was executed. (ECF No. 149, Tab A). I make this Declaration based on my personal knowledge and the records of IAM and the Association.

Message Removal (Paragraph (i))

2. Paragraph (i) requires the immediate removal of "any message that reasonably could be construed as a call for a continued slowdown or non-compliance with the Permanent Injunction in any manner" from bulletin boards, breakrooms, and websites.

3. The bulletin boards, breakrooms, and websites have been, and will continue to be, reviewed for compliance.

Phone Calls (Paragraph (f))

4. Paragraph (f) requires General Vice President Pantoja and other senior IAM representatives to make phone calls to IAM overnight shift members who did not attend the in-person meetings. IAM received the list of scheduled overnight shift mechanics from American and is currently in the process of cross-referencing it with the sign-in sheets from the in-person meetings.

5. Because the number of overnight shift members to call is likely to be sufficiently large, the union intends to utilize an automatic calling system using a recorded message, which will be delivered within a short amount of time to a large number of people. IAM may also utilize an additional conference call tool to reach those members.

Acknowledgment Forms (Paragraph (k))

6. Paragraph (k) requires Defendants “to obtain acknowledgment forms signed and dated by members stating that they have read and understand their obligation to comply with this Permanent Injunction upon risk of being disciplined or fined by defendants.”

7. IAM completed the in-person meetings, including the additional meetings with other shifts and heavy maintenance mechanics, where acknowledgment forms were distributed and collected.

8. The Association and IAM are in the process of taking further steps to collect the acknowledgment forms from members who did not attend the in-person meetings, including posting online the acknowledgment form for members to sign, date, and return.

Overnight Productivity Levels (Paragraph (o))

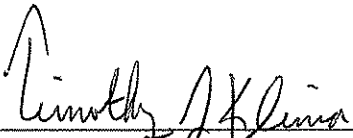
9. Paragraph (o) requires “that defendants take all reasonable actions . . . to ensure that their members working at American’s line maintenance stations, achieve approximately, in the

aggregate, on a seven-day moving average basis, overnight productivity levels equal to the aggregate status quo overnight productivity level that was achieved during the same seven-day period in calendar year 2018.” IAM is complying with paragraph (o) through the actions described and outlined in the above paragraphs.

[Remainder of Page Intentionally Left Blank]

[Signature Page Follows]

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 4th
day of September 2019.



Timothy Klima

TAB B.
DECLARATION OF
GARY PETERSON

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

American Airlines, Inc.,
Plaintiff,
v.
Transport Workers Union of
America, AFL-CIO, International
Association of Machinists and
Aerospace Workers, and Airline
Mechanic and Related Employee
Association TWU/IAM,
Defendants.

DECLARATION OF GARY PETERSON

Gary Peterson declares pursuant to 28 USC § 1746 as follows:

1. My name is Gary Peterson and I am an adult resident of the State of Texas. I make this Declaration based on my personal knowledge and on records kept in the normal course of business by the Transport Workers Union of America, AFL-CIO ("TWU") and Locals affiliated with the TWU. I currently serve as an International Vice President of the Transport Workers Union of America, AFL-CIO, and I am a member of the Association's executive negotiating committee.

2. I submit this Declaration pursuant to the Court's Final Judgment Containing Permanent Injunction ("Final Judgment"), ECF No. 132. Upon receipt of the Court's August 12, 2019 Final Judgment, the TWU undertook steps to ensure that the Union complied with the requirements of the Final Judgment as soon as possible. This Declaration describes the steps taken since the filing of my declaration on August 30, 2019.

In-Person Group Meetings - RON (overnight) shifts (Final Judgment Paragraph (d)).

3. TWU has finalized its schedule of in-person group meetings required by paragraph d of the Final Judgment. In addition to the meetings referenced in my previous declarations, the following meetings have taken place with aircraft mechanics on RON (overnight) shifts at the specified Line Maintenance Stations on the dates indicated below:

- i. EWR – August 30, 2019 (International Representative Angelo Cucuzza)
- ii. DFW – September 3, 2019 (International Representative Tony McCoy and International Representative Jose Galarza)

4. Sign-in sheets that reflect names of attendees at the meetings are attached hereto as Exhibit 1.

5. A summary of what TWU leaders said at the meetings was previously provided as Exhibit 4 of Mr. Mayes' Declaration filed on August 19, 2019.

6. The Final Judgment allows American Airlines' management to attend each of these in-person group meetings. It is my understanding that management attended each of these in-person meetings.

In-Person Group Meetings – Union Officials (Final Judgment Paragraph (e)).

1. TWU has finalized its schedule of in-person group meetings with senior union leaders required by paragraph e of the Final Judgment.

2. Union officials were present at meetings conducted with aircraft mechanics on RON (overnight) shifts pursuant to paragraph d of the Final Judgment. Their names are reflected in the sign-in sheets attached hereto as Exhibit 1.

3. The Final Judgment allows American Airlines' management to attend each of these in-person group meetings. It is my understanding that management attended the meetings.

Phone Calls (Final Judgment Paragraph (f)).

4. TWU is in the process of identifying the employees on the RON (overnight) shifts who were unable to attend the meetings held pursuant to paragraph d of the Final Judgment, and will be calling those identified aircraft mechanics as required by paragraph f of the Final Judgment. Likewise, TWU is in the process of identifying union officials who were unable to attend the meetings held pursuant to paragraph e of the Final Judgment, and will be calling those union officials as required by paragraph f of the Final Judgment.

Removal of Messages (Final Judgment Paragraph (i)).

5. Paragraph (i) requires the immediate removal of “any message that reasonably could be construed as a call for a continued slowdown or non-compliance with the Permanent Injunction in any manner” from bulletin boards, breakrooms, and websites. The TWU will continue to monitor bulletin boards, breakrooms and websites for continued compliance with this provision. It has not been reported to me that any non-compliant material has been noted on any bulletin boards or in breakrooms.

Acknowledgement Forms (Final Judgment Paragraph (k))

6. Paragraph k of the Final Judgment requires that defendants obtain acknowledgement forms signed and dated by members stating that they have read and understand their obligation to comply with the Permanent Injunction upon risk of being disciplined or fined by defendants. The TWU has been distributing and collecting signed acknowledgement forms at the meetings being conducted pursuant to the Final Judgment, and at other meetings being held by local union officials. TWU is in the process of posting a copy of

the acknowledgement form on its website for members to sign, date, and return. If necessary, TWU will take future steps to collect the acknowledgment form from other members.

Overnight Productivity Levels (Final Judgment Paragraph (o)).

7. Paragraph (o) of the Final Judgment requires that defendants “take all reasonable actions, including but not limited to communications to their members, to ensure that their members working at American’s line maintenance stations, achieve approximately, in the aggregate, on a seven-day moving average basis, overnight productivity levels equal to the aggregate status quo overnight productivity level that was achieved during the same seven-day period in calendar year 2018.” TWU is complying with paragraph o through the communications and in-person meetings as described and outlined in the above paragraphs and in declarations previously filed pursuant to the Court’s Final Judgment, ECF No. 132.

[Remainder of Page Intentionally Left Blank]

[Signature Page Follows]

I DECLARE under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Executed this 5 day of September, 2019 at Tarrant County, Texas.



Gary Peterson

DECLARATION OF
GARY PETERSON

Exhibit 1

EWR

Cr. 00414-A, Document 150, Filed 09/05/19, Page 17 of 20


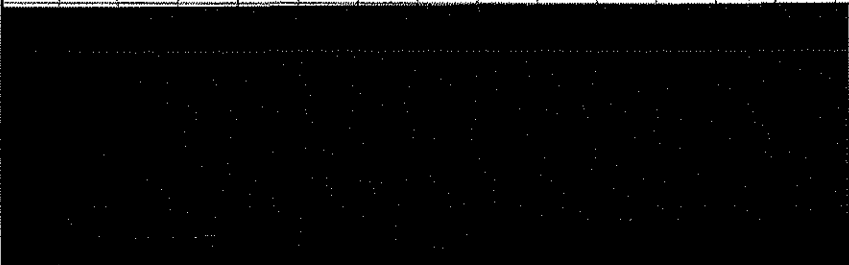
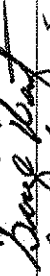









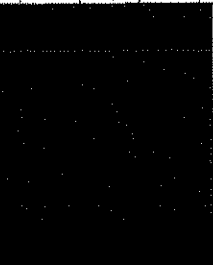



[illegible]

DFW

Permanent Injunction Sign In Sheet

[illegible]

Permanent Injunction Sign In Sheet

Print Name	Signature	Employee Number	Station
Robert Whitehouse			DFW
George L. Kist			DFW
Craig E. Wise			DFW
Michael Goldstein			DFW
Jeff Behl			DFW
J.A. WALLACE			DFW
Jose L. Franco			DFW
Bradley Peterson			DFW
Walter Ross			DFW
Juan Torres			DFW
Robert A. Labelle			DFW
Vincent M. Abadaghus			DFW
MIKE CORSO			DFW
ANUP DEWAN			DFW